

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DAVID ELIAH BOWERS, JR.,

Plaintiff,

-vs-

Case No. 16-CV-331

**BRIAN FOSTER, TONY MELI,
LT. LARSEN, SGT. BRADLEY,
BELINDA SCRUBBE, DR. MANLOVE,
And KELLY MARWITZ,**

Defendants.

DECISION AND ORDER

The plaintiff has filed a request for a TRO injunction. (ECF No. 1 at 7.) He requests that the Court transfer him to the custody of the Milwaukee County Sheriff or the Brown County Sheriff due to the imminent danger he faces if he remains at the Waupun Correctional Institution. The plaintiff also asserts that the defendants plan to house him around inmates who want to murder him.

In response, the defendants contend that the Court should deny the plaintiff's request because he is no longer at Waupun Correctional Institution. (ECF No. 17 at 1.) On May 17, 2016, the plaintiff was transferred to the Wisconsin Resource Center, a secure mental health treatment facility for prisoners managed by the Wisconsin Department of Health Services. (ECF No. 18 ¶ 5.) None of the named defendants in this lawsuit are employed by or

at the Wisconsin Resource Center. (ECF No. 18 ¶ 6.)

The plaintiff's transfer to the Wisconsin Resource Center renders moot his request for injunctive relief. *See Lehn v. Holmes*, 364 F.3d 862, 871 (7th Cir. 2004) (citing *Higgason v. Farley*, 83 F.3d 807 (7th Cir. 1995) (*per curiam*)). Accordingly, the Court will deny the plaintiff's request.

Next, the plaintiff has filed a motion for default judgment on his request for injunctive relief because the defendants did not timely respond to his request. (ECF No. 16.) However, on May 27, 2016, the Court granted the defendants additional time until June 3, 2016, to respond to the plaintiff's request. Therefore, the plaintiff's motion for default will be denied.¹

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT the plaintiff's request for TRO injunction (ECF No. 1) is **DENIED**.

IT IS FURTHER ORDERED that the plaintiff's motion for default judgment (ECF No. 16) is **DENIED**.

Dated at Milwaukee, Wisconsin, this 20th day of June, 2016.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge

¹ On June 14, 2016, the plaintiff filed a motion for judgment on the pleadings. (ECF No. 19.) This motion is not yet fully briefed.